

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID WALTER BURNS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-08-458-M
	)	
JUSTIN JONES, Director,	)	
	)	
Respondent.	)	

**ORDER**


On February 4, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action concerning Petitioner, a prisoner appearing *pro se*, and his motion for leave to proceed *in forma pauperis*. The Magistrate Judge recommended the Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied [Dkt. 26].

Petitioner was also advised of his right to object to this Report and Recommendation with the Clerk of this Court by February 24, 2009, in accordance with 28 U.S.C. § 636 and LCvR 72.1, however, no objections were filed.

Upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on February 4, 2009, and
- (2) DENIES the Petition for a Writ of Habeas Corpus.

**IT IS SO ORDERED this 29<sup>th</sup> day of May, 2009.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE